

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/05 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in a rude and threatening manner.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer called him a liar, and told him to shut up or be subject to a moving violation. Neither witnesses inside the vehicle nor an officer near the scene could verify or deny the allegation. There were no other witnesses and there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer cited the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that although he was double-parked, it was legal as he was waiting for another vehicle to move out of a parking space behind him. Neither witnesses inside the vehicle were sufficiently credible to corroborate the allegation, and an officer on scene could not verify or deny the allegation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/08/05 **DATE OF COMPLETION:** 05/31/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer cited the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complaint stated that he was standing near a paper box with a wine cooler on top of it when the officer cited him without justification for drinking from it without justification. The officer stated that he observed the complainant drinking from the wine cooler container. There were no identified witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to investigate.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that there were approximately fifty people near him at the time of the citation, and that the officer failed to investigate whether the wine cooler belonged to someone else. The officer denied the allegation and stated that he specifically saw the complainant drinking from the alcohol container. There were no identified witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/15/05 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 1 of 7

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification on January 30, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they detained the complainant after they observed him for several weeks using binoculars as a “look-out” and conducting narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the complainant without cause on January 30, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they searched the complainant after they observed him conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers threatened the complainant on January 30, 2005.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied threatening the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers detained the complainant without justification in early February 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they detained the complainant after they observed him conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant without cause in early February 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they searched the complainant after they observed him conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #11-12: The officers threatened the complainant in early February 2005.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied threatening the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #13: The officer detained the complainant without justification on February 11, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he detained the complainant after he observed him conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #14: The officer arrested the complainant without cause on February 11, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that the complainant fled while the officer was questioning him. The complainant stated that he made a move to run but did not run. The complainant acknowledged that the officer found a hypodermic needle in his pocket. The complainant also had an outstanding warrant in another county. Because the propriety of the detention is dispute, the allegation is not sustained.

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SUMMARY OF ALLEGATION #15: The officer searched the complainant without cause on February 11, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer appropriately searched the complainant pursuant to arrest. The officer's conduct was proper.

SUMMARY OF ALLEGATION #16: The officer detained the complainant without justification on February 12, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he did not recall this incident. In his incident report, the officer stated that detained the complainant after seeing him conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #17: The officer arrested the complainant without cause on February 12, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated in his incident report that he arrested the complainant after he observed him conduct narcotics transactions, and when the complainant saw the officer, he fled. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #18: The officer searched the complainant without cause on February 12, 2005.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he searched the complainant after he observed the complainant conduct narcotics transactions. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATIONS #19-20: The officer threatened the complainant on February 12, 2005.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied threatening the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #21: The officer harassed the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer refused to provide identification again after he already provided identification. The complainant did not complain about any past harassment by the officer. The officer harassing the complainant stated that he simply said good morning to the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to investigate.

CATEGORY OF CONDUCT: ND **FINDING:** I.O.2. **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to rationally describe actions within OCC jurisdiction.

SUMMARY OF ALLEGATION #2: The officer failed to prepare an accurate and complete Incident Report.

CATEGORY OF CONDUCT: ND **FINDING:** I.O.2. **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to rationally describe actions within OCC jurisdiction.

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SUMMARY OF ALLEGATION #1: The officers entered the complainant's home without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide additional requested information

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred back to: S.F.P.D. Management Control Division:
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/07/05 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleges that he was arrested without cause. The arresting officer stated that he arrested the complainant pursuant to a citizen's arrest signed by an airport manager. The officer also stated that the complainant had been previously admonished for the same offense on more than one occasion. Based on D.G.O. 5.04 and Penal Code Section 142, the officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to properly process property.

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleges that the officer somehow altered the condition of his clothing after the arrest. The evidence established that the complainant signed for his property to remain in the lost and found at the time of his arrest with the proviso that he could return to the airport to pick it up. The evidence further established that the property is still at the lost and found, which negates the allegations since the complainant has not seen his clothing since his arrest. The preponderance of the evidence established that the acts alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer exhibited inappropriate behavior.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on May 3, 2005.

SUMMARY OF ALLEGATION #2: The officer failed to properly conduct an investigation.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on May 3, 2005.

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SUMMARY OF ALLEGATION #1: The officer was rude to the complainant and his wife.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. Witness testimony conflicted with one another's version of the incident. The investigation was unable to prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer issued the complainant a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation and statements made by the complainant supported the officer's cause for issuing the citation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was detained during the course of issuing him a citation. The basis for the citation was found to be lawful and procedural as is the cause for the detention. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer's pat search of the complainant was without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was detained during the course of issuing him a citation. The act of pat searching a detained person is an officer safety issue. The basis for the citation was found to be lawful and procedural as is the cause for the detention. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer(s) detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant's parents failed to respond to OCC attempts to provide essential and necessary information to further the investigation.

SUMMARY OF ALLEGATION #2: The officer(s) used excessive force during the arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant's parents failed to respond to OCC attempts to provide essential and necessary information to further the investigation.

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SUMMARY OF ALLEGATION #3: The officer(s) behaved in a threatening and intimidating manner.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant's parents failed to respond to OCC attempts to provide essential and necessary information to further the investigation.

SUMMARY OF ALLEGATION # :

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS 1 -4: The officers detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said he was detained twice. The complainant said the first detention was unprovoked and initiated by the officer without justification. The complainant said that he initiated the contact with the police the second time because he was angry after the initial detention. The officers stated that the complainant was detained because he was interfering with a police investigation. Witness officers stated that the complainant was threatening and inciting a riot. Evidence shows that officers were on the scene investigating a malicious mischief complaint and that the complainant was queried twice, once at 2255 hours and again at 2302 hours. No fourth officer was identified as having detained the complainant. There were no other available witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS 5, 6 and 7: The officers behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officers identified denied the allegations. As to the act of taking a bottle away from the complainant, one officer admitted to doing so for officer safety due to the complainant's aggressive and threatening manner. All other officers on the scene denied observing or hearing any of the alleged acts or comments. There were no other available witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS 8 and 9: The officer's pat searched the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officer admitted to conducting a pat search on the complainant pursuant to the lawful detention of the complainant. All other officers at the scene denied pat searching the complainant. No other officer was identified as having conducted a pat search of the complainant. Given the inconclusive finding as to the detention, the findings as to the pat search are similarly inconclusive.

SUMMARY OF ALLEGATION 10: The officer used unnecessary force against the complainant.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. Officers at the scene denied seeing the alleged actions committed by the named member. There were no other available witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer used profane language.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. Officers at the scene denied hearing the alleged comments by the named member. There were no other available witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION 12: The officer handcuffed the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer admitted to handcuffing the complainant stating that he did so for officer safety. Given the inconclusive finding as to the detention, the findings as to the handcuffing are similarly inconclusive.

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SUMMARY OF ALLEGATION 13: The officer failed to accept a citizen's complaint.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The investigation was unable to identify the officer who committed the alleged act. There were no known witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS 14 through 17: The officer's actions toward the complainant were founded on selective enforcement practices based on the complainant's race.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. A witness officer claimed no knowledge for the basis of the allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force in the arrest of the complainant.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. This complaint has been referred to:

Department of Parking and Traffic

Attn: Director

1380 Howard Street

San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside the OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside the OCC's jurisdiction. This complaint has be referred to:

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NFW **DEPT. ACTION:**

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from Officer of Citizen Complaints investigation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the Municipal Transportation Agency.

Executive Director
Municipal Transportation Agency-MUNI
410 Van Ness Avenue #334
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD internal affairs unit.

SFSD- Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer failed to properly drive a patrol vehicle.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer did not stop at the stop sign. The complainant stated he informed the officer as they passed one another in their vehicles. The officer denied the allegation. The officer stated he stopped at the posted stop sign. There were no witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he advised the officer as they drove by one another that he did not stop at the stop sign. The officer effected a traffic stop. The officer stated he saw the complainant's vehicle's taillights were off and assumed the front headlights were off as well. The officer stated the complainant needed his vehicle taillights on as well as his front headlights on, because it was getting dark. The complainant stated that he complied with the officer. The complainant stated his Daytime Running Light System activates only if his engine is on/start position with the parking brake off and when parking brake is on, the lights do not come on unless manually turned on. The complainant stated it was not dark and the sun still had not set. The officer stated it was dusk and the sun was settling quickly. According to SFPD records, the officer initiated the stop at 8:38pm. California Vehicle Code §24250, requires vehicles to use lighting equipment during darkness. California Vehicle Code §2800 defines "darkness" as any time from one-half hour after sunset to one-half hour before sunrise. The U.S. Naval Observatory Astronomical Applications Department Sun and Moon Data for the date of the incident documented sunset at 8:32pm. By a preponderance of the evidence, the detention was unwarranted.

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SUMMARY OF ALLEGATIONS #3: The officer threatened the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer threatened to arrest and take him to jail. The officer denied the allegation. The officer stated he admonished the complainant regarding the signing of the citation of a Vehicle Code Violation. The officer stated the complainant was belligerent, not cooperative, and failed to turn on his headlights. There were no witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4:The officer cited the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he advised the officer as they drove by one another that he did not stop at the stop sign. The officer effected a traffic stop. The officer stated he saw the complainant's vehicle's taillights were off and assumed the front headlights were off as well. The officer stated the complainant needed his vehicle taillights on as well as his front headlights on, because it was getting dark. The complainant stated that he complied with the officer. The complainant stated his Daytime Running Light System activates only if his engine is on/start position with the parking brake off and when parking brake is on, the lights do not come on unless manually turned on. The complainant stated it was not dark and the sun still had not set. The officer stated it was dusk and the sun was settling quickly. According to SFPD records, the officer initiated the stop at 8:38pm. California Vehicle Code §24250, requires vehicles to use lighting equipment during darkness. California Vehicle Code §2800 defines "darkness" as any time from one-half hour after sunset to one-half hour before sunrise. The U.S. Naval Observatory Astronomical Applications Department Sun and Moon Data for the date of the incident documented sunset at 8:32pm. By a preponderance of the evidence, the detention was unwarranted.

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SUMMARY OF ALLEGATIONS #5: The officer handcuffed the complainant.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was placed in handcuffs without justification. The complainant stated he was calm, cooperative and complied with the officer's request. The officer denied the allegation. The officer stated the complainant's vehicle was blocking the flow of traffic and was stopped in the middle of the street. The officer stated he ordered the complainant to turn on his engine and leave the scene, but the complainant refused. The officer stated the complainant was agitated and belligerent and did not comply with his request. There were no witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer used rude language.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer used rude language toward him. The officer denied the allegation. The officer stated he did not use rude language. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to provide his name and star number.

CATEGORY OF CONDUCT: ND **FINDING: DEPT.:** NS **ACTION:**

FINDINGS OF FACT: The complainant stated the officer failed to provide his name and star number at the scene. The complainant stated when he asked the officer for his name and star number, the officer refused and referred him to the written citation that was issued to him during the traffic stop. The officer denied the allegation. The officer stated his name and star number were on his uniform and clearly displayed. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING: DEPT.:** **ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to:

Commanding Officer/O.I.C.
Management Control Division
SFPD

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

REVISED 04/20/00

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DATE OF COMPLAINT: 05/17/05 **DATE OF COMPLETION:** 05/23/05 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD Internal Affairs unit.

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officers issued the complainant a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF/W **DEPT. ACTION:**

FINDINGS OF FACT: The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

REVISED 04/20/00

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside of OCC's jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD Internal Affairs unit.

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer misused police authority.

CATEGORY OF CONDUCT: CRD **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant overheard a conversation between an officer another person and believed that the officer was investigating someone based solely on the fact that the person suffered from a mental illness. Investigating crimes by people of any mental status is the proper purview of the police. The officer did not misuse police authority in investigating a mentally disabled person who may have committed a crime. Department records indicate that the officer was involved in a criminal investigation.

SUMMARY OF ALLEGATION #2: The complainant questioned the procedure of the police investigating persons with mental disabilities.

CATEGORY OF CONDUCT: Procedure **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: Investigating crimes by people of any mental status is the proper purview of the police. The police do not misuse police authority in investigating a mentally disabled person who may have committed a crime. The San Francisco Police Department prohibits the detention and criminal investigation of a person based solely that person's mental status.

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SUMMARY OF ALLEGATION #1: The officer used profane and uncivil language.

CATEGORY OF CONDUCT: D **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleges that the officer used profane and uncivil language when ordering him to move his vehicle. The officer denied the allegation. The officer stated he told the complainant to move his vehicle. A witness corroborated the use of profanity in the statement made by the officer. A preponderance of the evidence established that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: There is no dispute that the complainant was double parked waiting for a parking space to open up. The complainant alleges that the officer issued an invalid order by telling the complainant to move his vehicle. The officer stated he saw the complainant's vehicle impeding the flow of traffic. According to California Vehicle Code 22400, no person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic. The witness stated the complainant stopped his vehicle and waited for a vehicle to back out of its parking space. The evidence established that the officer's order was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that the complainant was arrested because a citizen reported that the complainant had made terrorist threats. A civilian witness confirmed that the complainant had threatened to destroy a building and hurt the people inside as they came out. Records also confirm that the complainant had outstanding warrants at the time of his arrest. A preponderance of the evidence established that the officer had probable cause for the arrest.

SUMMARY OF ALLEGATION #2: The officer used excessive force.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer grabbed him, lifted his arms high behind his back, kicked him and slammed his knee with the car door. He also stated the officer put his hands around the complainant's throat. The officer denied that he used excessive force and said he pushed the complainant against the hood of the car to gain leverage to get the handcuffs on him when he was not cooperating. He also controlled him with a department-approved bent wrist lock to get him into the patrol car. A witness stated that the officer shoved the complainant against the car and shoved him into the patrol vehicle. Another witness, who had a less obstructed and closer view, stated that he observed no force used by the officer. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he saw the complainant driving his vehicle after the complainant told the officer he had no driver's license and would not drive. The complainant agreed that he had moved his vehicle to the opposite side of the street. Department of Motor Vehicles records established that the complainant did not have a valid driver's license on the date of the incident. Department regulations require that a vehicle driven by an unlicensed driver be towed. The officer's conduct was, therefore, proper.

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately toward the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer made an obscene hand gesture to him, threatened to hit him on the head, and made inappropriate comments. The officer denied the allegations. Civilian witnesses stated that they did not hear or observe any of the alleged behavior, but one witness did not have a good view and could not hear what was said, and the other witness was not watching for the entire time. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant due to bias.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers searched the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers behaved inappropriately toward the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to promptly and politely provide his name and/or star number upon request.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer and another officer denied the allegation. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1, 2: The officers entered the complainant's residence without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officers and a witness officer denied the allegations, stating they had arrested the complainant based on a citizen's arrest, and entered his residence to maintain control of the arrestee when he told them he needed to go inside to administer medical care to himself. The complainant confirmed telling the officers who arrived that he had to perform a medical function on a machine in his apartment. A witness confirmed the existence of a citizen's arrest when the officers approached the complainant's apartment. There were no witnesses to the conversation among the officers and the complainant. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer used unnecessary force against the complainant.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named and two witness officers denied that the named officer pushed the complainant against a door, saying he only restrained the complainant from unlimited access to all areas of the apartment. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4, #5: The officers searched the complainant's residence without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: One named officer denied the allegation, saying he did not order a search, and said that the apartment was not searched. The other named officer stated that he did a cursory search for weapons in the area where the complainant was to be engaged in a needed medical procedure. A witness officer said the residence was not searched. There were no other witnesses. There is sufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #6: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officer and two witness officers denied the allegation. A witness confirmed signing a citizen's arrest of the complainant. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were lawful, justified and proper.

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SUMMARY OF ALLEGATIONS #7, #8: The officers made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officers and a witness officer denied the allegations. A witness provided by the complainant did not recall overhearing a police contact. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer displayed a rude demeanor and attitude.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named and a witness officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer failed to state the reason for a detention.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officers and a witness officer denied the allegations. The complainant acknowledged in his interview that the named officer told him that he was being detained to investigate a complaint by a neighbor. A witness confirmed a complaint about the complainant was transmitted to the officers. The evidence proved that the acts that provided the basis for the allegation occurred; however, the acts were lawful, justified and proper.

SUMMARY OF ALLEGATIONS #11, #12: The officers detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officers denied the allegations, stating that they detained the complainant after receiving a complaint of threats and harassment from a neighbor who was in a dispute with the complainant. A witness confirmed the existence of the complaint. There were no other witnesses. The evidence proved that the acts that provided the basis for the allegation occurred; however, the acts were lawful, justified and proper.

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SUMMARY OF ALLEGATION #13: The officer issued an invalid order to the complainant.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officer denied issuing the order. A witness officer did not recall hearing the named officer issue the order. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer invaded to privacy of the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he invited the officers into his apartment but then requested that they leave. The named and a witness officer acknowledged not leaving, but said they left as soon as their detention of the complainant was completed. There were no other witnesses. The investigation established that the act occurred, but based on applicable rules, the conduct was proper.

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force during a traffic stop. The officer denied having used the described force. A civilian witness was not positioned to have a clear view of the action. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers searched the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that each officer searched him, though they had no cause to do so, and that they improperly removed items from his pockets during the search. The officers stated that only one searched him, that it was a cursory pat search only, conducted for officer safety, and that nothing was removed from his pockets. A civilian witness was unable to see the search. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer asked for the complainant's identification without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he observed the complainant violating a law and asked him for his identification to write a citation. The complainant agreed he had violated the law and was given a citation. The officer was permitted to ask for identification under the circumstances.

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was taken out of a vehicle during a traffic stop and immediately handcuffed, for no reason. The officer stated that he handcuffed the complainant for officer safety reasons because he had found a weapon on the complainant and because of the complainant's criminal history. There was insufficient evidence to establish by a preponderance that the officer was justified in handcuffing the complainant.

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SUMMARY OF ALLEGATION #6: The officer seized the complainant's property without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated that he seized the complainant's knife and held it for the duration of the detention for reasons of officer safety. He said that he returned the knife to the complainant when the complainant was released. The complainant stated that the knife was returned to him at the end of the detention. The officer acted within policy in seizing and holding the knife under the circumstances.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

CATEGORY OF CONDUCT: UF **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer reached into a car, grabbed the complainant, and pulled him out, even though the complainant was in the process of stepping out, as asked, and no force was needed. The driver of the car, a civilian witness, corroborated the complainant's description of the force used. A preponderance of the evidence supported a finding that the force used was unnecessary.

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SUMMARY OF ALLEGATION #8: The officer made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer, when the complainant asked for his badge number, made an inappropriate response. A civilian witness corroborated the complainant's description of the conversation. Although the officer denied having made the response, a preponderance of the evidence established that he did respond in a manner that was unprofessional and disrespectful.

SUMMARY OF OCC ADDED ALLEGATION #1: The officers subjected the complainant to a prolonged detention without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they detained the complainant to run his identification, issue citations to him and to the driver of the vehicle in which he was a passenger, and to search and tow the vehicle for a registration violation. This period would have been justifiable; however, the records failed to establish with certainty the time taken by these activities. The evidence was therefore insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-7: The officers entered the complainant's apartment without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers entered his apartment without cause or consent. The officers stated that they entered to execute a search warrant for the premises that was properly obtained and signed by a judge. The investigation established that the officers had obtained and were executing a valid search warrant. The conduct was proper.

SUMMARY OF ALLEGATION #8-14: The officers searched the complainant's apartment without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers had no right to search his apartment. The officers stated that they were exercising a properly obtained search warrant. The investigation established that the officers had obtained and were executing a valid search warrant. The conduct was proper.

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SUMMARY OF ALLEGATION #15: The officer used profanity.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that officers used profanity during the search of his apartment and his subsequent arrest. The officers denied using or hearing profanity used. There were no witnesses. The complainant was unable to identify the specific officers. There was insufficient evidence to establish the identities of the officers or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer damaged and destroyed complainant's property.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers took out knives and slashed his belongings and otherwise damaged items in his apartment during a search. All officers involved in the search denied that any of them had knives, used knives, damaged or destroyed any property. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #17: The officer used sexually derogatory language.

CATEGORY OF CONDUCT: SS **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that officers made sexually derogatory comments to him. The officers involved in the search and arrest of the complainant denied making the comments or hearing them made. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer used unnecessary force.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers used unreasonable and unnecessary force against him during an arrest. The officers involved in the search and arrest of the complainant denied using force or seeing any officer use force. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #19: The officer failed to administer the Miranda advisement.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that officers who arrested him did not administer the Miranda advisement. The officers individually stated they did not do so because they did not question the complainant, and it was therefore unnecessary. There were no witnesses. There was insufficient evidence to prove or disprove whether the complainant was asked questions that would have made the Miranda advisement necessary or to identify any officer who might have asked them.

SUMMARY OF ALLEGATION #20: The officer made inappropriate and threatening comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers said inappropriate things and made threats to him. The officer involved in the search and arrest of the complainant denied making the comments or threats or hearing them made. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #21: The officers opened the complainant's mail without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that mail addressed to the complainant found in his apartment was seized and taken into evidence. The investigation established that the search warrant obtained in the matter was properly obtained and that it specifically entitled the officers to seize the complainant's personal mail. The conduct was proper.

SUMMARY OF ALLEGATION #22: The officer brought false charges against the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers charged him with possessing a controlled substance for sales when he only had a small amount for his personal use. The officers involved in the complainant's arrest stated that the complainant was charged with possession for sales because of the amount of the substance found and the discovery of scales. The investigation found insufficient evidence to prove or disprove the validity of the charges.

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SUMMARY OF ALLEGATION #23-24: The officers arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he had a supply of a controlled substance for his personal use only and should not have been arrested. The investigation confirmed that an amount of the controlled substance was taken from the complainant. The officers, under law, were entitled to arrest the complainant for having the controlled substance in his possession.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer wrote an inaccurate and incomplete Incident Report.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the report written about the search of his apartment and his subsequent arrest failed to mention a number of things and inaccurately described what took place. The officers denied that anything was left out or stated incorrectly. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to document damage.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers involved in the search and arrest of the complainant stated that no damage was documented because no damage was done during a search of the complainant's apartment and his arrest. There were no witnesses. There was insufficient evidence to establish whether or not any damage that would have required documentation was done.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/04 **DATE OF COMPLETION:** 05/28/05 **PAGE# 8 of 8**

SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant described an incident wherein other officers observed fellow officers subjecting the complainant to excessive force and failed to take action to stop them. The officers denied that they engaged in force or observed anyone using force at the scene. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to log the use of force.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The investigation established that no use of force was logged regarding the incident although the complainant described the use of force that would have required logging. The officers involved in the complainants arrest denied that they used or observed force used. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:08/30/04 **DATE OF COMPLETION:**05/28/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officer's arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT:The officers denied the allegation and stated they were dispatched to the scene where there was a report of assaulted store employees. Upon arrival, the officers stated store employees had already detained the complainant. Three store employees signed Citizen Arrest Forms against the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to summon an Inspector to the scene.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT:The officers were the investigating officers at the scene and recorded their investigation in the Incident Report. Additionally, the officers did contact the Operations Center to see if an Inspector was available. None were. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:08/30/04 **DATE OF COMPLETION:**05/28/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS # 5-6: The officer's failed to read the complainant his Miranda Warning.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT:The officers denied the allegation and stated they never questioned the complainant about the crime and therefore no obligation to read the complainant his Miranda Warning existed. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #7-8: The officer's failed to provide the complainant with medical assistance.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT:The officer denied the allegation and stated the complainant was asked if he wanted medical assistance and refused. Additionally, there was an ambulance on scene had the complainant needed assistance. Lastly, SFSD Medical Triage Unit medically cleared the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/30/04 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officers used unnecessary force during the arrest.

CATEGORY OF CONDUCT: UF **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT:The officers denied the allegation and stated civilians at the scene had already physically detained the complainant. The officers named in this allegation did not transport the complainant nor did they match a description given by the complainant of the officers who allegedly use unnecessary force. Lastly, the complainant describes injuries that were apparently not viewed by any other persons present at the scene and later by the SFSD Medical Triage Unit. The evidence proved that the named members were not involved in the acts alleged.

SUMMARY OF ALLEGATIONS #11-12: The officers failed to accept a citizens arrest.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT:The officers denied the allegation and described the complainant as appearing to be under the influence, dazed and confused. The officers stated the complainant never asked them to make a citizen's arrest. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/04 **DATE OF COMPLETION:** 05/23/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer told him he had been detained for speeding, which was an improper charge, as he was traveling at the speed limit. The named officer denied the allegation, stating that he detained the complainant for following too closely. One witness officer, who said he only had a vague memory of the incident after the detention, stated that the officer who had conducted the traffic stop told him the complainant's vehicle was speeding. There were no witnesses to the detention. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when he argued that he had not been speeding, the named officer cited him for following too closely. The named officer denied the allegation. One witness officer did not arrive on the scene until after the detention and knew nothing about a citation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 09/02/04 **DATE OF COMPLETION:** 05/23/05 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to display his star number.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officer denied the allegation, saying he held his star in his hand. One witness officer stated that he did not recall if the officer was displaying his star and acknowledged that he was not present at the initial detention. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to follow proper procedures while driving an unmarked police vehicle.

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer improperly stopped him on a busy highway in an unmarked vehicle, in plainclothes and with two children in the police vehicle. He stated further that the children were climbing over the seats of the police vehicle, while its engine ran on the side of the highway. Department records showed that the named officer was on vacation at the time of the traffic stop. The named officer, who acknowledged that he was on personal business in the Department vehicle prior to making the traffic stop, denied that the traffic stop was improper and denied that the children were climbing around within his running vehicle. He further argued that he had permission to carry the civilians in the Department vehicle. His superior officer, however, stated that he had not granted permission that day to transport civilians. The Department General Orders and the city's Administrative Code prohibit the use of Department vehicles for personal use and prohibit transporting unauthorized civilians without permission. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 09/02/04 **DATE OF COMPLETION:** 05/23/05 **PAGE# 3 of 3**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to maintain radio contact during a traffic stop.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officer denied the allegation and produced a record of the communication he conducted during the traffic stop. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/26/04 **DATE OF COMPLETION:** 05/31/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1-2: The officers failed to properly investigate

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officers who responded to her residence failed to take necessary investigative steps to corroborate her description of the incident. The officers stated that they spoke with the other participant in the altercation, and with two other individuals, including the individual the complainant named as a witness. The complainant agreed that the officers spoke to “her” witness, and the other parties confirmed to the OCC that the officers had spoken to them. SFPD records verified that the officers responded twice to the complainant’s residence on the date in question and made a written report of what took place. A preponderance of the evidence established that the officers took the necessary investigative steps.

SUMMARY OF ALLEGATION #3 & 4: The officers behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officers made comments that were not appropriate and engaged in inappropriate behavior. The officers denied making or hearing the comments or engaging in the behavior. No witnesses to the conversations between the complainant and the officers were located. There was insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/26/04 **DATE OF COMPLETION:** 05/31/05 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #5-6: The officers failed to receive a citizen's arrest.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she asked that the other participant in an altercation be arrested, and that the officers refused to do so. The officers stated that their investigation resulted in a finding that the elements of a crime committed by that individual did not exist, and they therefore had no cause to arrest. There were inconsistencies in the complainant's statements and a lack of corroboration for what was said by the complainant and the officers. There was, therefore, insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7 & 8: The officers threatened the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest her. The officers denied the allegation. One officer stated that he gave the complainant information of possible consequences if she trespassed or filed a false police report, but he said the information was not intended as a threat. There were no witnesses to the conversations between the complainant and the officers. There was insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/26/04 **DATE OF COMPLETION:** 05/31/05 **PAGE# 3 of 3**

SUMMARY OF OCC ADDED ALLEGATION #1: The officer wrote an inaccurate/incomplete Incident Report.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: There was no mention in the report that the complainant had asked that another individual be arrested. The report indicated that the initial contact between the complainant and the individual was verbal only, and that both parties were satisfied when the officers left. The officer stated that the complainant was trespassing in the other individual's room and refused to leave. The other individual escorted the complainant out of the room in a manner the officers' considered to be within acceptable limits. The officer stated that he believed the parties were satisfied at the time he and his partner left, even though the complainant was not happy with the other individual's behavior. The officer stated that the report indicated the reasons why no arrest was made. Due to the fact that the complainant shared responsibility for what transpired between her and the other individual, and due to the factual discrepancies in the complainant's account and the lack of witnesses to her conversations with the officers, there is insufficient evidence to prove or disprove this allegation.

SUMMARY OF ALLEGATION #

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/04 **DATE OF COMPLETION:** 05/11/05 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer exhibited inappropriate behavior.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on May 11, 2005.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/04 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers issued the complainant citations without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers issued him three citations on different days, for violation of various sections of the Municipal Park Code. In his Office of Citizen Complaints interview, the complainant acknowledged being in violation the said Park Code Section on those occasions. The citing officers articulated the reasons for the citations consistent with the complainant's statement. The Office of Citizen Complaints investigation revealed that the acts alleged by the complainant did occur and that those acts were proper.

SUMMARY OF ALLEGATION #4: The officer confiscated the complainant's property without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he had been pruning trees and doing various gardening work in one of the city's public parks without authorization from the Recreation and Park Department. The complainant acknowledged being previously warned to stop this activity by employees of the Recreation and Park Department and also cited by police officers. On one occasion, when the complainant was gardening in the park, the officers confiscated his gardening tools without issuing him a citation. The senior ranking officer at the scene of this incident stated that the complainant was not a gardener employed by the city and he did not have permission from Recreation and Park Department to do any gardening. The officer stated that he seized the complainant's gardening tools for safekeeping to prevent the complainant's unauthorized gardening activity until he receives permission from the Recreation and Park Department. The Office of Citizen Complaints investigation revealed that the acts alleged by the complainant did occur and that those acts were proper.

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DATE OF COMPLAINT: 10/14/04 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers acted in a threatening and intimidating manner.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the citing officers were very confrontational and conducted themselves in a threatening and intimidating manner. The named members stated that they were actually “professional” and “compassionate” during the incidents. There were no other identifiable witnesses to these police contacts. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used profane language.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the citing officer extensively used profanity during the incident. The named member denied the alleged misconduct. There were no witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/28/04 **DATE OF COMPLETION:** 05/18/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that an unidentified officer failed to take an incident report. Three officers responded to the scene. Two officers stated that they did not hear the complainant ask for a report. One officer stated that the complainant was in a hurry and told the officer that he would deal with this later. This officer stated that he told the complainant where he could go to make a report. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate remark.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to identify this officer. One officer at the scene stated that he spoke to the complainant. This officer denied making an inappropriate remark. Two other officers at the scene also denied making, or hearing, any inappropriate remarks. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 11/29/04 **DATE OF COMPLETION:** 05/09/05 **PAGE #1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. Witnesses at the scene could not recall the incident in question. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers stated that they detained the complainant for mental health 72-hour evaluation. Witnesses at the scene could not recall the incident in question. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/04 **DATE OF COMPLETION:** 05/09/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to write the complainant's Incident Report.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. Witnesses at the scene could not recall the incident in question. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. Witnesses at the scene could not recall the incident in question. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/07/04 **DATE OF COMPLETION:** 05/18/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the complainant's arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant did not identify the officer who allegedly slammed her against a bus shelter and bent her wrist backward. The arresting officers stated that the complainant was cooperative and no force used or needed to take her into custody. A witness stated that no force was used to take the complainant into custody. According to hospital records, the complainant said she incurred an injury when she fell while being apprehended. According to jail medical records, the complainant stated that she re-injured an old wrist fracture during her arrest and then "banged her wrist on the table for emphasis." There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied threatening to break the complainant's wrist. His partner also denied that the officer threatened the complainant. Three witnesses stated that they did not hear the officer threaten the complainant. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 12/07/04 **DATE OF COMPLETION:** 05/18/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used a sexual slur.

CATEGORY OF CONDUCT: SS **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied using a sexual slur. His partner also denied that the officer used a sexual slur. Three witnesses stated that they did not hear the officer use a sexual slur. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide medical attention.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant did not identify the officer who allegedly refused to provide her with medical attention. The arresting officers stated that the complainant did not complain of pain, did not ask for medical attention and had no visible injuries. A witness stated that the complainant did not ask for medical attention, did not have any visible injuries and did not appear to be in any pain. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/04 **DATE OF COMPLETION:** 05/31/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers acted in a sexually derogatory manner.

CATEGORY OF CONDUCT: SS **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to identify the officers involved in the incident. There was no evidence of this incident in the computer records or reports researched. The lieutenant of the unit identified stated he was not able to identify the individuals involved in the incident. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #2: The officers made sexually derogatory comments.

CATEGORY OF CONDUCT: SS **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to identify the officers involved in the incident. There was no evidence of this incident in the computer records or reports researched. The lieutenant of the unit identified stated he was not able to identify the individuals involved in the incident. There is insufficient evidence to prove or disprove the allegation

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DATE OF COMPLAINT: 12/11/04 **DATE OF COMPLETION:** 05/31/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to drive properly, in that he made a u-turn in city traffic, and parked at a fire hydrant for a non-emergency purpose.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was unable to identify the officers involved in the incident. There was no evidence of this incident in the computer records or reports researched. The lieutenant of the unit identified stated he was not able to identify the individuals involved in the incident. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/04 **DATE OF COMPLETION:** 05/28/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly operate a department vehicle.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complaint stated that an officer driving a marked patrol car swerved in and out of lanes of traffic without signaling, and failed to exercise due care in the operation of an emergency vehicle as mandated under section 21056 of the California Vehicle Code. The two officers using the vehicle in question could not recall who was driving that evening, but denied the allegation. There were no witnesses who could verify or deny the allegation. Therefore, there is insufficient evidence to either prove or disprove the allegation against any particular officer.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/24/04 **DATE OF COMPLETION:** 05/26/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1/2: The officers failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated several unknown individuals harassed him. The complainant stated he provided his assailant's description, but the officers did not further investigate. The officers refuted the complainant's assertions that the complainant provided any identifying information on the alleged suspects. There were no witnesses at the scene. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3/4: The officers made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officers denied the allegation. There were no witnesses at the scene. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 10/15/04 **DATE OF COMPLETION:** 05/23/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide additionally requested information in support of his complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers used excessive force during the complainant's arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide additionally requested information in support of his complaint.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required actions.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide additionally requested information in support of his complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly process the complainant's property.

CATEGORY OF CONDUCT: ND **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant failed to provide additionally requested information in support of his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/04 **DATE OF COMPLETION:** 05/26/05 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used racially derogatory comment.

CATEGORY OF CONDUCT: RS **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer made a racially derogatory comment. The officer denied the allegation. There witness at the scene stated that he did not hear the alleged profanity. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The complainant stated the officer threatened him.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer threatened him with an arrest. The officer denied the allegation. The witness at the scene stated that he did not hear the alleged threat. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/31/04 **DATE OF COMPLETION:** 05/26/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to provide a name and star number upon request.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. The officer stated he provided his star number and his last name to the complainant at the scene. The witness at the scene stated that the named member did provide the requested information. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used inappropriate behavior.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer gave him the “Finger” as he was leaving the scene. The officer denied the allegation. The witness at the scene stated that he did not see the alleged misconduct. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/31/04 **DATE OF COMPLETION:** 05/26/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used profanity.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. The witness at the scene stated that he did not hear the alleged profanity. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT: